

# **Exhibit A**

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**From:** Kelly, Ty <tykelly@bakerdonelson.com>  
**Sent:** Wednesday, March 19, 2025 12:30 PM  
**To:** Paschal, Hogan  
**Cc:** Dorough, Marisa; Brown, Mike; Bonaventure, Frank; Adam Moskowitz; Brooke Alexander; Joseph Kaye; Wells, Molly; Miller, Kerry  
**Subject:** Re: Local Rule 7.1(a)(3) Good Faith Attempt - Farmington/Moonstone Bank  
**Attachments:** image001.png

Thank you for your response, we will add it to our motion.

On Mar 19, 2025, at 10:47 AM, Paschal, Hogan <hpaschal@fishmanhaygood.com> wrote:

Okay, and just to be clear we do not oppose Moonstone's filing a 20-page reply in accordance with ECF No. 216.

Best,  
Hogan

Hogan Paschal  
[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)

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**FishmanHaygood LLP**

201 St. Charles Avenue, 46th Floor  
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**From:** Kelly, Ty <tykelly@bakerdonelson.com>  
**Sent:** Tuesday, March 18, 2025 2:41 PM  
**To:** Paschal, Hogan <hpaschal@fishmanhaygood.com>  
**Cc:** Dorough, Marisa <mdorough@bakerdonelson.com>; Brown, Mike <mbrown@bakerdonelson.com>; Bonaventure, Frank <fbonaventure@bakerdonelson.com>; Adam Moskowitz <Adam@moskowitz-law.com>; Brooke Alexander <balexander@bsflp.com>; Joseph Kaye <joseph@moskowitz-law.com>; Wells, Molly <mwells@fishmanhaygood.com>; Miller, Kerry <kmiller@fishmanhaygood.com>  
**Subject:** RE: Local Rule 7.1(a)(3) Good Faith Attempt - Farmington/Moonstone Bank

Hogan,

Thanks for your response and agreement on the proposed extension, which we will reflect in our papers.

On the specific page limit issue, the briefing parameters set forth in ECF 216 specifically apply to **joint** motions to dismiss. Moonstone did not jointly file with any other defendants (unlike the MVC Defendants you reference), and therefore the enlargement of pages permitted in ECF 216 does not apply to Moonstone's Motion or Plaintiffs' Opposition. For that reason, prior to filing its Motion, Moonstone requested and received permission to file excess pages (ECF 810), just as Dentsu and S&C did (ECF 503, 683). Plaintiffs did not make a similar request prior to filing its Opposition, and therefore did not have permission to file excess pages.

Let us know if you wish to discuss further.

Ty

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**From:** Paschal, Hogan <[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)>  
**Sent:** Tuesday, March 18, 2025 12:55 PM  
**To:** Kelly, Ty <[tykelly@bakerdonelson.com](mailto:tykelly@bakerdonelson.com)>  
**Cc:** Dorough, Marisa <[mdorough@bakerdonelson.com](mailto:mdorough@bakerdonelson.com)>; Brown, Mike <[mbrown@bakerdonelson.com](mailto:mbrown@bakerdonelson.com)>; Bonaventure, Frank <[fbonaventure@bakerdonelson.com](mailto:fbonaventure@bakerdonelson.com)>; Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; Brooke Alexander <[balexander@bsflp.com](mailto:balexander@bsflp.com)>; Joseph Kaye <[joseph@moskowitz-law.com](mailto:joseph@moskowitz-law.com)>; Wells, Molly <[mwells@fishmanhaygood.com](mailto:mwells@fishmanhaygood.com)>; Miller, Kerry <[kmiller@fishmanhaygood.com](mailto:kmiller@fishmanhaygood.com)>  
**Subject:** RE: Local Rule 7.1(a)(3) Good Faith Attempt - Farmington/Moonstone Bank

Hi Ty,

We would not oppose any request for extension of your deadline to file a reply, but we do oppose your motion to strike, because we believe our opposition complies with the Court's omnibus order setting a 40-page limit for defendants' 12(b)(6) motions and the same for plaintiffs' oppositions to those motions. (ECF No. 216).

In granting plaintiffs leave to file an amended complaint against Moonstone, Deltec and Chalopin, the Court clarified that "Nothing in this Order shall otherwise disturb the briefing parameters set in this Court's Order in (ECF No. 216)." (ECF No. 774 at 3). In denying the MVCs' request to file a 12(b)(6) motion not to exceed 47 pages on December 16, 2024, the Court similarly ordered that the MVCs "follow the briefing parameters set forth in this Courts Paperless Order (ECF NO. 216)." (ECF No. 798). The Court's orders that Dentsu and Sullivan & Cromwell shall each file a motion to dismiss not to exceed 40 pages demonstrate that the 40-page limit extends to 12(b)(6) motions filed by individual defendants. (ECF Nos. 504, 690). Indeed, the Court noted in issuing the Dentsu order that it was "in accord with the Court's prior order assigning page lengths to other motions to dismiss, see (ECF No. 216)...." (ECF No. 504). We oppose the motion to strike on those grounds.

As to your other points, (1) we will file a notice of filing Ex. 9 under seal today and serve the exhibit by email thereafter, and (2) I'm not sure we understand your position on the request for hearing. What is the issue there?

I'm happy to confer further by telephone in the hope that we are able to reach a resolution without motion practice.

Many thanks,  
Hogan

Hogan Paschal  
[hpaschal@fishmanhaygood.com](mailto:hpaschal@fishmanhaygood.com)

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**From:** Kelly, Ty <[tykelly@bakerdonelson.com](mailto:tykelly@bakerdonelson.com)>

**Sent:** Tuesday, March 18, 2025 10:04:50 AM

**To:** Adam Moskowitz <[Adam@moskowitz-law.com](mailto:Adam@moskowitz-law.com)>; Brooke Alexander <[balexander@BSFLLP.com](mailto:balexander@BSFLLP.com)>

**Cc:** Dorough, Marisa <[mdorough@bakerdonelson.com](mailto:mdorough@bakerdonelson.com)>; Brown, Mike <[mbrown@bakerdonelson.com](mailto:mbrown@bakerdonelson.com)>; Bonaventure, Frank <[fbonaventure@bakerdonelson.com](mailto:fbonaventure@bakerdonelson.com)>

**Subject:** Local Rule 7.1(a)(3) Good Faith Attempt - Farmington/Moonstone Bank

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Adam and Brooke:

This email is being sent pursuant to Local Rule 7.1(a)(3) and as a good faith attempt to resolve a dispute without the need for motions practice. In response to the Plaintiffs' Opposition to its Motion to Dismiss the Amended Administrative Class Action Complaint, ECF 848, ("Plaintiffs' Opposition"), Moonstone is now prepared to file a: 1) Motion to Strike the Opposition and 2) Motion to Extend Moonstone's Deadline to Reply to Plaintiffs' Opposition Pending a Ruling on its Motion to Strike.

The grounds for the Motion to Strike are that Plaintiffs' Opposition improperly contains numerous documents outside the pleadings and arguments based thereon, was filed in excess of the Court's twenty (20) page limitation, and does not comply with the Court's rules on requests for a hearing. The proposed relief in the Motion to Strike is to strike Plaintiffs' Opposition in its entirety and to require Plaintiffs to resubmit an Opposition that is compliant with the applicable Federal and Local Rules.

The grounds for the proposed Motion to Extend are that Moonstone should not be required to reply to Plaintiffs' Opposition until the Court has had the opportunity to rule on the Motion to Strike. The proposed relief in the Motion is to extend the deadline for Moonstone to file its reply brief until 20 days after the Court's ruling, or alternatively, 20 days after a new Opposition is filed.

Further, it appears Plaintiffs never filed or served Exhibit 9 to their Opposition.

Please let us know if you oppose both motions by COB today, or if you wish to discuss the resolution of these proposed motions further by telephone. Moonstone intends to file both Motions tomorrow.

**Ty Kelly**  
Shareholder

<image001.png>

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